

I. INTRODUCTION AND BACKGROUND

1. This petition challenges the unlawful detention of Petitioner Rigoberto Paredes-Paredes (“Mr. Paredes-Paredes”), a 38-year-old native and citizen of Mexico. Petitioner has resided in the United States continuously since at least March 2008 and is currently confined at the T. Don Hutto Detention Center in Taylor, Texas, without any meaningful opportunity to seek release through an individualized custody hearing. See Exh. 1 (ICE Locator Results).
2. On January 23, 2026, Petitioner was taken into ICE custody following a traffic stop. DHS transferred Petitioner to the T. Don Hutto Detention Center, where he remains detained, and initiated removal proceedings against him under 8 U.S.C. § 1229a by serving a Notice to Appear. *See* Exh. 3 (Notice to Appear).
3. Petitioner has no criminal history.
4. Petitioner’s master calendar hearing is set for February 18, 2026. See Exh. 2 (Automated Case Information).
5. Petitioner is married to Maria and is the father of three U.S. citizen children: 
 Petitioner owns property in Liberty Hill, Texas, operates a fencing and welding business called Walls Site Maintenance, and pays his taxes. These longstanding ties underscore that Petitioner is not a flight risk and does not present a danger to the community.
6. DHS asserts that Petitioner is subject to mandatory detention under INA § 235(b)(2), 8 U.S.C. § 1225(b)(2), and on that basis denies Petitioner any workable mechanism to obtain an individualized custody determination before a neutral adjudicator.
7. Respondents have denied Petitioner release based on a new legal position announced in DHS guidance dated July 8, 2025, which instructs ICE to treat individuals charged under

8 U.S.C. § 1182(a)(6)(A)(i) as detained under 8 U.S.C. § 1225(b)(2)(A) and therefore ineligible for bond.

8. Consistent with that approach, on September 5, 2025, the Board of Immigration Appeals (BIA) issued a precedential decision holding that immigration judges lack authority to consider bond requests for individuals who entered without admission, reasoning that such individuals are detained under 8 U.S.C. § 1225(b)(2)(A). *See Matter of Yajure-Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).
9. Petitioner contends that detention under 8 U.S.C. § 1225(b)(2)(A) is unlawful as applied here. Section 1225(b)(2)(A) does not govern individuals like Petitioner who previously entered without inspection and are now residing in the United States in full removal proceedings. Instead, Congress provided a different custody framework in 8 U.S.C. § 1226(a), which authorizes release on bond or conditional parole.
10. Respondents' current position is also an abrupt reversal from positions the Government previously advanced, including in litigation where it acknowledged that individuals who entered without inspection and later reside in the interior are generally detained under § 1226(a), not § 1225(b)(2)(A). *Under New Hampshire v. Maine*, 532 U.S. 742 (2001), Respondents should not be permitted to adopt an inconsistent position to foreclose bond process here.
11. On February 6, 2026, the Fifth Circuit held that certain noncitizens who entered without inspection may be treated as "applicants for admission" under 8 U.S.C. § 1225(a)(1) and may be detained under 8 U.S.C. § 1225(b)(2)(A) during pending § 1229a proceedings if they cannot show they are "clearly and beyond a doubt entitled to be admitted."

Buenrostro-Mendez v. Bondi, Nos. 25-20496 & 25-40701, 2026 WL 323330, at *1–9 (5th Cir. Feb. 6, 2026).

12. Critically, *Buenrostro-Mendez* addressed statutory detention authority. It did not decide whether the Constitution permits civil immigration detention of a long-term interior resident with no meaningful, individualized custody process. *See Buenrostro-Mendez*, 2026 WL 323330, at *1–9.
13. In all events, the Due Process Clause constrains civil immigration detention and requires, at minimum, meaningful procedures before depriving a person within the United States of liberty. *See Mathews v. Eldridge*, 424 U.S. 319, 333–35 (1976); *Zadvydas v. Davis*, 533 U.S. 678, 690, 693 (2001).
14. Courts in this District have granted habeas relief on as-applied procedural due process grounds in materially similar circumstances, including where the Government invoked § 1225(b)(2) and the Immigration Judge declined to conduct a merits custody determination. *See, e.g., Escobar-Arauz v. Noem*, No. EP-25-cv-00619-DB, 2025 WL 3543648, at *5–6 (W.D. Tex. Dec. 10, 2025) (Briones, J.); *Zafra v. Noem*, No. EP-25-cv-00541-DB, 2025 WL 3239526, at *3 (W.D. Tex. Nov. 20, 2025) (Briones, J.); *Maya-Contreras v. Warden of ERO El Paso East Montana Camp, et al.*, No. 3:26-cv-00290-DB (W.D. Tex. Feb. 9, 2026) (Briones, J.); *Clemente Ceballos v. Garite*, No. 3:26-cv-00312-DB (W.D. Tex. Feb. 10, 2026) (Briones, J.); *Duran-Aguila v. Bondi*, No. EP-26-cv-241-KC, Order (W.D. Tex. Feb. 9, 2026) (Cardone, J.).
15. Petitioner respectfully requests that this Court grant the petition for a writ of habeas corpus under 28 U.S.C. § 2241 and order prompt, constitutionally adequate custody process with

an enforceable deadline, or release if Respondents cannot provide a workable hearing mechanism.

II. JURISDICTION AND VENUE

16. Petitioner is detained in civil immigration custody in Williamson County at the T. Don Hutto Detention Center, Taylor, Texas. Petitioner has been detained since January 23, 2026.
17. This action arises under the Constitution and laws of the United States, including the INA, 8 U.S.C. § 1101 et seq.
18. This Court has jurisdiction under 28 U.S.C. § 2241 (habeas corpus) and 28 U.S.C. § 1331 (federal question). This Court may grant relief under 28 U.S.C. §§ 2241 and 2243 and may issue all writs necessary or appropriate in aid of its jurisdiction. 28 U.S.C. § 1651.
19. Venue is proper in the Western District of Texas because Petitioner is detained in this District, at least one Respondent is in this District, and a substantial part of the events giving rise to the claims occurred in this District. Venue is also proper under 28 U.S.C. § 2243 because the immediate custodian resides in this District.

III. REQUIREMENTS OF 28 U.S.C. § 2243, WRIT ISSUANCE, RETURN, HEARING, AND DECISION

20. The Court must grant the writ or issue an order to show cause unless it appears from the application that Petitioner is not entitled to relief. 28 U.S.C. § 2243.
21. If the Court issues an order to show cause, the return must be made within three days unless additional time is allowed for good cause, not to exceed twenty days. *Id.*
22. Each day of unlawful detention inflicts ongoing, irreparable harm on Petitioner and his U.S. citizen family and undermines his ability to prepare his defense in removal proceedings.

IV. PARTIES

23. Petitioner Rigoberto Paredes-Paredes is a 38-year-old citizen of Mexico detained at the T. Don Hutto Detention Center. He last entered the United States in or about March 2008 without inspection and has resided here continuously for almost two decades.
24. Respondent Pamela Bondi is named in her official capacity as Attorney General of the United States. She is responsible for the administration of the Executive Office for Immigration Review (“EOIR”), including policies that bear on immigration judges’ jurisdiction over custody.
25. Respondent Kristi Noem is named in her official capacity as Secretary of the U.S. Department of Homeland Security (“DHS”). DHS is the department charged with administering and enforcing federal immigration laws. Secretary Noem is ultimately responsible for the actions of U.S. Immigration and Customs Enforcement (“ICE”) and is a legal custodian of Petitioner.
26. Respondent Todd M. Lyons is named in his official capacity as Acting Director of ICE. He oversees ICE operations, including detention and removal, and is a legal custodian of Petitioner.
27. Respondent Sylvester Ortega is named in his official capacity as Field Office Director of the San Antonio ICE Field Office. He is responsible for ICE enforcement in this District and is a legal custodian of Petitioner.
28. Respondent Charlotte Collins is named in her official capacity as Warden of the T. Don Hutto Detention Center, in Taylor Texas. He has immediate physical custody of Petitioner pursuant to an agreement with ICE to detain noncitizens.

29. Each Respondent is sued in his or her official capacity as a custodian and/or policymaker responsible for Petitioner's continued detention.

V. FACTS

30. Petitioner is a 38-year-old native and citizen of Mexico. He has resided in the United States continuously since at least March 2008. He is currently confined at the T. Don Hutto Detention Center in Taylor, Texas, without a meaningful opportunity to seek release. Exh. 1 (ICE Locator Results).

31. On January 23, 2026, ICE officers took Petitioner into custody following a traffic stop. DHS transferred him to the T. Don Hutto Detention Center in Taylor, Texas, where he remains detained. DHS initiated removal proceedings under 8 U.S.C. § 1229a by serving him with a Notice to Appear. Exh. 3 (Notice to Appear).

32. Petitioner has no criminal history.

33. Petitioner is scheduled for a master calendar hearing on February 18, 2026. *See* Exh. 2 (Automated Case Information System).

34. Petitioner is married to Maria and is the father of three U.S. citizen children:



Petitioner and his family reside in Texas, and he owns property in Liberty Hill, Texas.

35. Petitioner owns and operates Walls Site Maintenance, a fencing and welding business. He has worked consistently to support his household and pays his taxes. His detention has caused immediate and ongoing hardship to his spouse, children, and the stability of the family's home and income.

36. Petitioner is eligible to apply for nonpermanent resident cancellation of removal under INA § 240A(b), 8 U.S.C. § 1229b(b) ("cancellation of removal" or "42B"). Petitioner has been

physically present in the United States for well over ten years, has no disqualifying criminal history, and can establish good moral character for the statutory period. He can also demonstrate that his removal would result in exceptional and extremely unusual hardship to his qualifying relatives, including his U.S. citizen children.

37. Despite these equities, DHS has classified Petitioner as subject to mandatory detention under 8 U.S.C. § 1225(b) and, on that basis, has refused to provide a custody hearing before an immigration judge under 8 U.S.C. § 1226(a). As a result, since his arrest on January 23, 2026, Petitioner has not received any bond hearing or other individualized determination of whether continued detention is necessary to prevent flight or protect the community.

VI. LEGAL FRAMEWORK

A. Due Process

38. The Fifth Amendment applies to “all persons” within the United States, including noncitizens. *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).

39. Freedom from physical restraint lies at the core of the liberty protected by the Due Process Clause. *Id.* at 690.

40. When the Government seeks to continue a serious restraint on liberty, due process requires, at minimum, a meaningful opportunity to be heard before a neutral decisionmaker. *Hamdi v. Rumsfeld*, 542 U.S. 507, 533 (2004).

41. The controlling procedural due process framework is *Mathews v. Eldridge*, which balances: (1) the private interest affected; (2) the risk of erroneous deprivation under existing procedures and the value of additional safeguards; and (3) the Government’s interests and the burdens of additional procedures. 424 U.S. 319, 335 (1976).

B. Statutory scheme and *Buenrostro-Mendez*

42. The INA prescribes three basic forms of detention for the vast majority of noncitizens in removal proceedings.
43. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens in standard removal proceedings before an immigration judge. *See* 8 U.S.C. § 1229a. Individuals in § 1226(a) detention are generally entitled to a bond hearing at the outset of detention. *See* 8 C.F.R. §§ 1003.19(a), 1236.1(d). Noncitizens arrested, charged with, or convicted of certain crimes are subject to mandatory detention. *See* 8 U.S.C. § 1226(c).
44. Second, the INA provides for mandatory detention of noncitizens subject to expedited removal under 8 U.S.C. § 1225(b)(1) and for other recent arrivals seeking admission referred under § 1225(b)(2).
45. Last, the INA provides for detention of noncitizens who have been ordered removed, including individuals in withholding-only proceedings. *See* 8 U.S.C. § 1231(a)–(b).
46. However, on February 6, 2026, the Fifth Circuit held that certain long-term residents who entered without inspection may be treated as “applicants for admission” under § 1225(a)(1) and subject to detention under § 1225(b)(2)(A) during § 1229a proceedings if they are not “clearly and beyond a doubt entitled to be admitted.” *Buenrostro-Mendez*, 2026 WL 323330, at *1–9.
47. *Buenrostro-Mendez* did not resolve the separate constitutional question whether due process requires a meaningful, individualized custody hearing even if DHS asserts detention under § 1225(b)(2). *See id.*

VII. ARGUMENT

A. This Court Has Habeas Jurisdiction To Remedy Unlawful Detention

48. Petitioner challenges only the legality of his present civil detention and the absence of constitutionally adequate custody procedures. He does not seek review of a final removal order and does not challenge the merits of removability.
49. This Court has jurisdiction under 28 U.S.C. § 2241(c)(3) and § 2243 to determine whether Petitioner “is in custody in violation of the Constitution or laws . . . of the United States” and to order release or other appropriate relief. *See Zadvydas*, 533 U.S. at 687–88, 699–700; *Jennings v. Rodriguez*, 583 U.S. 281, 292–95 (2018).
50. The INA’s jurisdiction-channeling provisions do not bar review because Petitioner does not seek review of a final order and does not challenge the commencement or adjudication of removal proceedings; he challenges only ongoing detention authority and the absence of constitutionally adequate custody process. *See Reno v. Am.-Arab Anti-Discrimination Comm.*, 525 U.S. 471, 482 (1999); *Cardoso v. Reno*, 216 F.3d 512, 516–17 (5th Cir. 2000); *Duron v. Johnson*, 898 F.3d 644, 647 (5th Cir. 2018).

B. *Buenrostro-Mendez* Does Not Foreclose Petitioner’s As-Applied Procedural Due Process Claim

51. *Buenrostro-Mendez* addressed statutory detention authority and held that certain noncitizens who entered without inspection may be treated as “applicants for admission” such that DHS may invoke INA § 235(b)(2), 8 U.S.C. § 1225(b)(2), during pending § 1229a proceedings. *Buenrostro-Mendez*, 2026 WL 323330, at *1–9.
52. *Buenrostro-Mendez* did not decide whether the Constitution permits DHS to detain an interior resident for civil immigration purposes with no meaningful, individualized custody process. The statutory label DHS invokes does not eliminate Petitioner’s protected liberty interest. *See Zadvydas*, 533 U.S. at 690.

53. This Court may grant relief on procedural due process grounds without deciding any statutory detention-authority dispute. Courts in this District have done so in materially similar circumstances, including where Respondents invoked § 1225(b)(2) and immigration judges declined bond jurisdiction. *See Escobar-Arauz*, 2025 WL 3543648, at *5–6; *Zafra*, 2025 WL 3239526, at *3; *Maya-Contreras*, No. 3:26-cv-00290-DB (W.D. Tex. Feb. 9, 2026); *Clemente Ceballos*, No. 3:26-cv-00312-DB (W.D. Tex. Feb. 10, 2026); *Duran-Aguila*, No. EP-26-CV-241-KC, Order (W.D. Tex. Feb. 9, 2026).

C. Petitioner States a Meritorious As-Applied Procedural Due Process Claim Requiring a Meaningful, Individualized Custody Hearing

i. Private Interest and Heightened Liberty Interest

54. The private interest at stake is profound, and it is heightened by Petitioner’s long residence in the United States. Petitioner has lived in the United States continuously since March 2008, built a stable family life with his spouse, and is the father of three U.S. citizen children, including an infant and two young children. He is confined in a secure detention facility, separated from his family, and unable to provide daily caregiving, emotional support, and the steady income his household depends on. Detention has also forced him to halt operation of his small business, Walls Site Maintenance, and jeopardizes his ability to maintain his home and property in Liberty Hill. He has worked lawfully, paid taxes, and established deep ties to this community. Continued detention further undermines his ability to defend himself in removal proceedings by restricting access to counsel and impairing his ability to gather evidence, prepare witnesses, and present his case. This is an acute and ongoing deprivation of liberty.

ii. Risk of Erroneous Deprivation and Value of Additional Safeguards

55. The risk of erroneous deprivation is extreme where there is no neutral custody determination at all. Under Respondents' position, Petitioner is categorically detained based solely on DHS's unilateral statutory label, without findings on danger or flight risk, without any allocation of burden, without a record of individualized analysis, and without any meaningful opportunity to present evidence of his deep community ties, stable residence, family responsibilities, business obligations, and consistent compliance with the law. A regime that permits civil incarceration without any individualized adjudication creates an intolerable risk of error, particularly on these facts.

56. Additional safeguards have obvious value. A custody hearing before an immigration judge is the minimal safeguard that permits both sides to present evidence, requires the Government to articulate and support any claim of danger or flight risk, and allows a neutral decisionmaker to determine whether detention is actually necessary or whether less restrictive conditions of supervision will fully serve the Government's legitimate interests. Without that hearing, Petitioner remains jailed even though his history and circumstances strongly indicate he can safely and reliably appear while living with his family and continuing to support them.

iii. Government Interests and Administrative Burden

57. The Government's interests in ensuring appearance and protecting the community are legitimate, but they are served by individualized custody determinations and conditions of supervision where appropriate. Those interests do not justify categorical detention of a long resident, family anchored, noncitizen with no criminal history and substantial community ties. The burden of providing a hearing is minimal because custody hearings are routine in

the immigration system, and Respondents already litigate risk and conditions of release in ordinary § 1226(a) cases every day.

iv. Conclusion Under Mathews

58. On Petitioner's facts, the *Mathews* balance compels a meaningful, individualized custody hearing within a prompt and enforceable deadline, with release if Respondents cannot provide a workable hearing mechanism within the time ordered by the Court.

D. Remedy

59. Where a procedural due process violation is established, the appropriate remedy is an individualized custody hearing before an immigration judge within a prompt, court-ordered deadline, or release under reasonable conditions of supervision if Respondents cannot provide a workable hearing mechanism. *See Escobar-Arauz*, 2025 WL 3543648, at *6; *Duran-Aguila*, No. EP-26-CV-241-KC, Order (W.D. Tex. Feb. 9, 2026).
60. At that custody hearing, due process requires the Government to bear the burden to justify continued detention. Given the severe loss of liberty, the Government should be required to prove flight risk or dangerousness by clear and convincing evidence. *Addington v. Texas*, 441 U.S. 418, 425–27 (1979).

E. Petitioner Preserves the Statutory Detention-Authority Argument Under §§ 1225 and 1226 and Does Not Waive It

61. Petitioner maintains that the INA's text, structure, and implementing regulations draw a clear line between § 1225 detention associated with inspection and admission determinations and § 1226 detention for noncitizens already present in the United States in full § 1229a proceedings. *See Jennings*, 583 U.S. at 287, 303; Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures, 62 Fed. Reg. 10,312, 10,323 (Mar. 6, 1997).

62. Courts in this District have rejected that expanded § 1225 detention theory and granted habeas relief¹ on materially similar facts. *See e.g. Reyes Perez*, No. SA-25-CV-1302-XR, at 8–13; *Santiago*, 2025 WL 2792588, at *3; *Lopez-Arevelo*, 2025 WL 2691828, at *5; *Erazo Rojas*, 2025 WL 3038262, at *2; *Pereira-Verdi v. Lyons*, No. 5:25-cv-01187-XR (W.D. Tex. Oct. 10, 2025), *Hernandez-Fernandez v. Lyons*, No. 5:25-cv-00773-JKP, 2025 WL 2976923 (W.D. Tex. Oct. 21, 2025).

¹ *See, e.g., Gonzalez Guerrero v. Noem*, No. 1:25-cv-01334-RP (W.D. Tex. Oct. 27, 2025); *Pereira-Verdi v. Lyons*, No. 5:25-cv-01187-XR (W.D. Tex. Oct. 10, 2025); *Hernandez-Ramiro v. Bondi*, No. 5:25-cv-01207-XR (W.D. Tex. Oct. 15, 2025); *Santiago v. Noem*, No. 3:25-cv-00361-KC, 2025 WL 2606118 (W.D. Tex. Sept. 9, 2025); *Alvarez Martinez v. Noem*, No. 5:25-cv-01007-JKP, 2025 WL 2598379 (W.D. Tex. Sept. 8, 2025); *Martinez v. Noem*, No. 3:25-cv-00430-KC, 2025 WL 2965859 (W.D. Tex. Oct. 21, 2025) (even assuming § 1225(b) applies, holding under *Mathews v. Eldridge* that due process requires an individualized bond hearing with the Government bearing the burden); *Souza Vieira v. De-Anda Ybarra*, No. 3:25-cv-00432-DB, 2025 WL 2937880 (W.D. Tex. Oct. 16, 2025) (following *Lopez-Arevelo*'s jurisdictional analysis, rejecting §§ 1252(g) and 1252(b)(9) as bars, and granting habeas relief); *Dominguez Vega v. Thompson*, No. 5:25-cv-01439-XR (W.D. Tex. Nov. 19, 2025); *Hernandez-Hervert v. Bondi*, No. 1:25-cv-01763-RP (W.D. Tex. Nov. 14, 2025); *Rojas Vargas v. Bondi*, No. 1:25-cv-01699-DAE, 2025 WL 3251728 (W.D. Tex. Nov. 5, 2025); *Melendez Hernandez v. Bondi*, No. 1:25-cv-01811-DAE (W.D. Tex. Nov. 26, 2025) (granting a TRO and ordering a § 1226(a) bond hearing with the Government bearing the clear-and-convincing burden of flight risk or danger, or release if no timely hearing is provided); *Becerra Vargas v. Bondi*, No. 5:25-CV-01023-FB-HJB (W.D. Tex. Nov. 26, 2025); *Navarrete Perdomo v. Bondi*, No. 5:25-cv-01398 (W.D. Tex. Nov. 25, 2025); *Paredes Quintero v. Bondi*, No. 5:25-cv-01697-JKP (W.D. Tex. Dec. 18, 2025) (granting habeas and ordering release within 24 hours); *Trejo Enriquez v. Bondi*, No. 1:25-cv-02012-ADA-DH (W.D. Tex. Dec. 19, 2025) (granting habeas and ordering release); *Rodriguez Rivera v. Bondi*, No. 1:25-cv-01979-RP (W.D. Tex. Dec. 19, 2025) (granting habeas and ordering immediate release); *Narvaez San Elias v. Bondi*, No. 5:25-cv-01736-JKP (W.D. Tex. Dec. 22, 2025); *Rodriguez Miranda v. Bondi*, No. 1:25-cv-02005-RP (W.D. Tex. Dec. 23, 2025); *Siac Guzman v. Bondi*, No. 1:25-cv-02055-RP (W.D. Tex. Dec. 23, 2025); *Belsai v. Bondi, et al.*, No. 25-cv-3862 (KMM/EMB), 2025 WL 2802947 (D. Minn. Oct. 1, 2025); *Lepe v. Andrews*, No. 1:25-CV-01163-KES-SKO (HC), 2025 WL 2716910 (E.D. Cal. Sept. 23, 2025); *Giron Reyes v. Lyons*, No. C25-4048-LTS-MAR, --- F.Supp.3d ---, 2025 WL 2712417 (N.D. Iowa Sept. 23, 2025); *Salazar v. Dedos*, No. 1:25-cv-00835-DHU-JMR, 2025 WL 2676729 (D. N.M. Sept. 17, 2025); *Pizarro Reyes v. Raycraft*, No. 25-CV-12546, 2025 WL 2609425, at *7 (E.D. Mich. Sept. 9, 2025); *Chanaguano Caiza v. Scott*, 25-cv-00500, 2025 WL 2806416, at *3 (D. Me. Oct. 2, 2025); *Luna Quispe v. Crawford, et al.*, No. 1:25-CV-1471-AJT-LRV, 2025 WL 2783799, at *6 (E.D. Va. Sept. 29, 2025); *Vazquez v. Bostock*, No. 25-cv-05240, 2025 WL 2782499, at *27 (W.D. Wash. Sept. 30, 2025); *J.U. v. Maldonado*, 25-CV-04836, 2025 WL 2772765, at *5 (E.D.N.Y. Sept. 29, 2025); *Rivera Zumba v. Bondi*, No. 25-cv-14626, 2025 WL 2753496, at *7 (D.N.J. Sept. 26, 2025); *Lopez v. Hardin*, No. 25-cv-830, 2025 WL 2732717, at *2 (M.D. Fla. Sept. 25, 2025); *Giron Reyes v. Lyons*, No. C25-4048, 2025 WL 2712427, at *5 (N.D. Iowa, Sept. 23, 2025); *Singh v. Lewis*, No. 25-cv-96, 2025 WL 2699219, at *3 (W.D. Ky. Sept. 22, 2025); *Pablo Sequen v. Kaiser*, No. 25-cv-06487, 2025 WL 2650637, at *7-8 (N.D. Cal. Sept. 16, 2025); *Alvarez-Chavez v. Kaiser*, 25-cv-06984-LB 2025 WL 2909526 (N.D. Cal., Oct. 9, 2025); *Cerritos-Echevarria v. Bondi*, No. CV-25-03252-PHX-DWL (ESW), 2025 WL 2821282 (D. Az. Oct. 3, 2025); *Padron-Covarrubias v. Vergara*, 5:25-cv-00112, (S.D. Tex. October 8, 2025); *Santiago-Santiago v. Bondi*, EP-25-CV-361-KC, 2025 WL 2792588, (W.D. Tex. Oct. 2, 2025); *Cardin-Alvarez v. Rivas*, cv-25-02943 PHX GMS (CDB), 2025 WL 2898389 (D. Az. Oct. 7, 2025). *Buenrostro-Mendez v. Bondi, et al.*, No. CV H-25-3726, 2025 WL 2886346, at *3 (S.D. Tex. Oct. 7, 2025). *But see Chavez v. Noem*, 3:25-cv-02325-CAB-SBC, 2025 WL 2730228 (S.D. Cal. Sept. 24); *Vargas-Lopez v. Trump, et al.*, 8:25CV526 2025 WL 2780351 (D. Neb. Sept. 29, 2025).

63. Those decisions reflect a straightforward conclusion, which is that Respondents may not use an internal policy shift (and a bond-jurisdiction precedent) to rewrite Congress's detention scheme, convert long-resident noncitizens in full proceedings into § 1225 detainees, and deny the statutory custody framework that applies "pending a decision on whether the alien is to be removed." 8 U.S.C. § 1226(a); *see Reyes Perez*, No. SA-25-CV-1302-XR, at 11–13.

A. Section 1225(b) Does Not Apply to Petitioner; Section 1226(a) Governs

64. Section 1225(b)(2)(A) applies only to an "applicant for admission" who is "seeking admission," after inspection-based determinations at the threshold of entry. 8 U.S.C. § 1225(b)(2)(A). That text cannot be stretched to cover a noncitizen already living in the United States, placed in full removal proceedings under § 1229a, and detained "pending a decision" in those proceedings. *See* 8 U.S.C. §§ 1226(a), 1229a; *Jennings*, 583 U.S. at 287.
65. Congress's own drafting confirms § 1226(a)'s default applicability to inadmissible noncitizens in full proceedings, including EWIs. Section 1226(c) creates specific mandatory-detention exceptions and expressly includes certain noncitizens inadmissible under § 1182(a)(6)(A)(i). 8 U.S.C. § 1226(c)(1)(E). That targeted carve-out presupposes that § 1226(a) otherwise applies absent a mandatory-detention trigger.
66. Respondents also cannot justify detention under § 1225(b)(1) where the statutory predicates are absent and DHS is proceeding in "full" removal proceedings rather than expedited removal. *See Reyes Perez*, No. SA-25-cv-1302-XR, at 12 (rejecting detention under § 1225(b)(1) where petitioner was in full removal proceedings and Respondents could not detain "based on expedited removal proceedings that do not exist"); *Hernandez-*

Fernandez v. Lyons, No. 5:25-cv-00773-JKP, 2025 WL 2976923 (W.D. Tex. Oct. 21, 2025).

67. Where § 1225(b) does not apply, Respondents' remaining option is § 1226. But in *Reyes Perez*, the Court held that because the Government did not claim it was detaining the petitioner under § 1226, "the Court sees no reason to consider" § 1226 as a basis for the petitioner's current detention; the detention was unlawful and release was required. *Reyes Perez*, No. SA-25-CV-1302-XR, at 12 (quoting *Martinez v. Hyde*, 792 F. Supp. 3d 211, 223 n.23 (D. Mass. 2025)).
68. The same logic applies here. Respondents' asserted § 1225(b) authority is inapplicable, and the Government's effort to deny any meaningful custody forum by treating Petitioner as a categorical § 1225(b)(2) detainee renders her ongoing detention unlawful.
69. Petitioner acknowledges that *Buenrostro-Mendez* currently forecloses the statutory detention-authority argument in this Circuit for purposes of immediate relief to the extent the Government invokes § 1225(b)(2). *Buenrostro-Mendez*, No. 25-20496, 2026 WL 323330, at *1–9.
70. Petitioner nevertheless expressly preserves the statutory argument, including for further review, for any distinguishing factual or legal developments, and to avoid waiver. Petitioner's request for relief rests independently on procedural due process and Respondents' failure to provide a workable custody forum, and the Court may grant relief on those grounds without resolving the statutory dispute. See *Escobar-Arauz*, 2025 WL 3543648, at *5–6; *Maya-Contreras*, No. 3:26-cv-00290-DB (W.D. Tex. Feb. 9, 2026); *Clemente Ceballos*, No. 3:26-cv-00312-DB (W.D. Tex. Feb. 10, 2026).

VIII. CLAIMS FOR RELIEF

FIRST CAUSE OF ACTION

Violation of the Due Process Clause (Fifth Amendment)

71. Petitioner incorporates by reference all allegations above as if fully set forth herein.
72. Civil immigration detention is permissible only to serve legitimate regulatory purposes and must remain tethered to flight risk or danger through meaningful process. Freedom from physical restraint lies at the core of the liberty protected by the Due Process Clause. *Zadvydas v. Davis*, 533 U.S. 678, 690–93 (2001). The process due is assessed under *Mathews v. Eldridge*, 424 U.S. 319, 333–35 (1976).
73. As applied here, Respondents are detaining a long resident interior arrestee without any meaningful, individualized custody hearing before a neutral decisionmaker and without findings regarding danger, flight risk, or less restrictive alternatives. By foreclosing any workable custody forum while continuing civil incarceration, Respondents impose an acute and ongoing deprivation of liberty that violates procedural due process. *See Zadvydas*, 533 U.S. at 690–93; *Mathews*, 424 U.S. at 333–35; *Hamdi v. Rumsfeld*, 542 U.S. 507, 533 (2004).
74. Even if Respondents invoke INA § 235(b)(2), 8 U.S.C. § 1225(b)(2), that statutory label does not eliminate Petitioner’s protected liberty interest or the Constitution’s procedural requirements. Courts in the this District have granted relief on materially similar as applied procedural due process claims, including where the Government invoked § 1225(b)(2) and immigration judges declined bond jurisdiction. *See Escobar-Arauz v. Noem*, No. EP-25-cv-00619-DB, 2025 WL 3543648, at *5–6 (W.D. Tex. Dec. 10, 2025) (Briones, J.); *Zafra v. Noem*, No. EP-25-cv-00541-DB, 2025 WL 3239526, at *3 (W.D. Tex. Nov. 20, 2025) (Briones, J.); *Maya-Contreras v. Warden of ERO El Paso East Montana Camp*, et al., No.

3:26-cv-00290-DB (W.D. Tex. Feb. 9, 2026) (Briones, J.); *Clemente Ceballos v. Garite*, No. 3:26-cv-00312-DB (W.D. Tex. Feb. 10, 2026) (Briones, J.); *Duran-Aguila v. Bondi*, No. EP-26-CV-241-KC, Order (W.D. Tex. Feb. 9, 2026) (Cardone, J.).

75. Due process also requires the Government to bear the burden to justify continued civil detention. Given the severe loss of liberty and the heightened risk of error absent safeguards, the Government should be required to prove danger or flight risk by clear and convincing evidence. *Addington v. Texas*, 441 U.S. 418, 425–27 (1979).

76. Petitioner has been detained since January 23, 2026, without a meaningful, individualized custody determination. Continued detention without the required process violates the Fifth Amendment. Petitioner is entitled to relief ordering a prompt custody hearing under constitutionally adequate procedures within a fixed deadline, or release if Respondents cannot provide a workable hearing mechanism.

SECOND CAUSE OF ACTION

Failure to Follow Governing Custody Procedures and Denial of a Workable Custody Review Mechanism (8 C.F.R. §§ 236.1, 1003.19, 1236.1; *Accardi*)

77. Petitioner incorporates by reference all allegations above as if fully set forth herein.

78. Petitioner is detained in ICE civil custody while in removal proceedings under 8 U.S.C. § 1229a. The immigration custody system is implemented through binding regulations that govern custody determinations, detention, release, and custody redetermination procedures. *See* 8 C.F.R. § 236.1; 8 C.F.R. §§ 1003.19(a), 1236.1(d).

79. As applied here, Respondents have used a unilateral statutory label to foreclose any workable custody review mechanism. Petitioner has been denied a merits custody determination before a neutral decisionmaker and has received no individualized findings addressing danger, flight risk, or less restrictive alternatives.

80. Longstanding administrative law principles require agencies to follow their own binding regulations and procedures. *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260, 266–68 (1954). Respondents cannot lawfully administer a detention regime that, in practice, eliminates the custody procedures and review mechanisms their own regulations establish for noncitizens in removal proceedings, while continuing to impose severe civil incarceration with no neutral merits review.
81. Respondents’ position results in effectively unreviewable confinement for a long-resident, noncitizen with substantial ties to the community and no criminal history, based on a categorical classification rather than an individualized custody determination grounded in evidence. That is inconsistent with the governing custody framework and violates *Accardi’s* requirement that agencies comply with their own rules and procedures.
82. Respondents’ failure to provide a workable custody review mechanism and to follow governing custody procedures independently supports habeas relief.
83. Petitioner is entitled to relief requiring a prompt, individualized custody hearing under constitutionally adequate procedures within a fixed deadline, and production of the operative custody records sufficient to allow meaningful review, or release if Respondents cannot provide a workable hearing mechanism by a court-ordered deadline.

THIRD CAUSE OF ACTION

Unlawful Detention Not Authorized by the INA as Applied (Preserved Statutory Claim)

84. Petitioner incorporates by reference all allegations above as if fully set forth herein.
85. The INA establishes a custody framework governing noncitizens in removal proceedings. In ordinary removal proceedings under 8 U.S.C. § 1229a, the default custody statute for noncitizens already present in the United States is 8 U.S.C. § 1226(a), which authorizes

discretionary detention with the possibility of release on bond or conditional parole, subject to narrow mandatory detention carve-outs in 8 U.S.C. § 1226(c). *See Jennings v. Rodriguez*, 583 U.S. 281, 287, 303 (2018).

86. Respondents have employed a categorical approach that forecloses Immigration Judge custody jurisdiction and eliminates any meaningful custody forum for Petitioner. As applied, that position denies Petitioner the custody framework Congress provided and results in continued detention without the process and review mechanisms that accompany § 1226(a) detention.
87. Petitioner recognizes that *Buenrostro-Mendez v. Bondi*, No. 25-20496, 2026 WL 323330 (5th Cir. Feb. 6, 2026), currently constrains statutory detention-authority arguments in this Circuit to the extent Respondents invoke § 1225(b)(2). Petitioner nevertheless expressly preserves his statutory claim that § 1225(b) does not authorize categorical no-forum detention for an interior detainee in full § 1229a proceedings and that § 1226(a) governs his custody, in order to avoid waiver and for further review.
88. Regardless of the statutory label, detention that forecloses any meaningful custody adjudication is unlawful as applied and warrants habeas relief.

FOURTH CAUSE OF ACTION

Judicial Estoppel (Inconsistent Government Positions Used to Foreclose Custody Process)

89. Petitioner incorporates by reference all allegations above as if fully set forth herein.
90. Judicial estoppel applies where a party adopts a position, succeeds in persuading a court to accept that position, and later seeks to take a clearly inconsistent position to gain an unfair advantage, undermining the integrity of the judicial process. *New Hampshire v. Maine*, 532 U.S. 742, 749–51 (2001).

91. The Government previously represented that noncitizens who entered without inspection and later reside in the interior are generally held under 8 U.S.C. § 1226(a) and receive bond hearings. *Jennings v. Rodriguez*, 583 U.S. 281 (2018) (No. 15-1204).
92. Respondents should not be permitted to reverse course in a manner that eliminates any workable custody forum, forecloses individualized custody process, and results in categorical no-hearing detention for Petitioner. That inconsistent position is unfairly prejudicial and supports habeas relief to restore a workable custody process consistent with due process.
93. Petitioner is entitled to relief requiring release, or in the alternative a prompt custody hearing under constitutionally adequate procedures.

IX. RELIEF SOUGHT

WHEREFORE, Petitioner respectfully requests that this Court:

- (1) Assume jurisdiction over this matter;
- (2) Declare that ICE's January 23, 2026 apprehension and detention of Mr. Paredes-Paredes was an unlawful exercise of authority because the ICE officer provided no reason that he presents a danger to the community or is flight risk;
- (3) Issue an order directing Respondents to show cause why the writ should not be granted;
- (4) Order Respondents to file with the Court a complete copy of the administrative file from the Department of Justice and the Department of Homeland Security;
- (5) Retain jurisdiction over this Petition notwithstanding any change in Petitioner's place of detention or immediate custodian and, pending final resolution of this case, direct Respondents to refrain from removing him from the United States or

transferring Petitioner outside the Western District of Texas without prior leave of Court and to ensure that the Court can effectuate any relief ultimately granted, including by returning Petitioner to this District if necessary;

(6) Grant the writ and order Petitioner's immediate release on conditions no more restrictive than those prior to his arrest, in the alternative order a bond hearing under 1226(a);

(7) Grant such other and further relief as the Court deems just and proper.

PRAYER FOR EXPEDITED CONSIDERATION

Pursuant to 28 U.S.C. § 2243, Petitioner respectfully requests expedited consideration. Each day of unlawful detention inflicts irreparable harm on Petitioner and his family, depriving them of his care, stability, and support. Prompt judicial intervention is necessary to protect Petitioner's constitutional rights and his family's well-being.

Respectfully submitted on February 13, 2026,

/s/ Maria Nereida Jaimes
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VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent Petitioner, Mr. Paredes-Paredes, and submit this verification on his behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated this 13th day of February 2026.

/s/ Maria Nereida Jaimes
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